

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

OCT 1 2004

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

ROCKLAND D. JOHNSON,

Petitioner,

vs.

MARTY SIRMONS, Warden,

Respondent.

Case No. 04-CV-724-P (C)

**ORDER**

On September 17, 2004, the Court received for filing Petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus (Dkt. # 1).

In order to commence a habeas corpus action in this Court, Petitioner is required to submit a \$5.00 filing fee. 28 U.S.C. § 1914. Should Petitioner lack sufficient funds to pay the filing fee, he may file a motion for leave to proceed *in forma pauperis*, supported by a "Statement of Institutional Accounts" completed and signed by an authorized prison official. In the instant case, Petitioner has neither paid the \$5.00 filing fee nor submitted a motion for leave to proceed *in forma pauperis*. Before this action may proceed, Petitioner must either (a) pay the \$5.00 filing fee or submit a motion for leave to proceed *in forma pauperis*, or (b) show cause in writing for his failure to cure the filing fee deficiency.

**ACCORDINGLY IT IS HEREBY ORDERED that:**

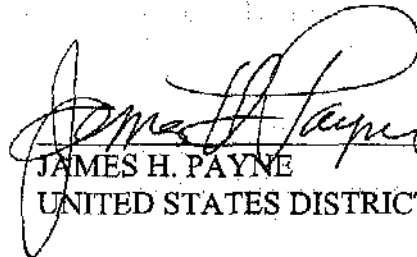
1. Within thirty (30) days of the entry of this Order, or by November 5, 2004, Petitioner shall either (a) pay the \$5.00 filing fee or submit a motion for leave to proceed *in*

*forma pauperis*, or (b) show cause in writing for his failure to cure the filing fee deficiency.

2. The Clerk of Court is directed to send Petitioner a blank motion for leave to proceed *in forma pauperis* (ifp-hc.dis), marked Case No. 04-CV-724-P (C).

**Failure to comply with this Order may result in the dismissal of this action without prejudice and without further notice.**

SO ORDERED THIS 1<sup>ST</sup> day of October, 2004.

  
JAMES H. PAYNE  
UNITED STATES DISTRICT JUDGE